

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ANDREA MORRISON, §
§
Plaintiff, §
v. §
§
ARANSAS-CORPUS CHRISTI PILOTS §
§
Defendant. §

Civil Action No. 2:20-cv-299

Declaration of Captain John Williams

My name is Captain John Williams. I am currently the presiding officer/spokesperson for the Aransas-Corpus Christi Pilots (ACCP). I was voted into this position by the fellow members of ACCP for a two-year term. In that role, I am authorized to speak on behalf of ACCP in dealing with industry, the Port of Corpus Christi, the United States Coast Guard and other port stakeholders in ensuring the protection of the waterways and ports in Nueces and San Patricio counties. I cannot act independently of a majority vote approval by the ACCP members.

My Background

I have been a branch pilot for the Port of Corpus Christi since 2007. I have a master's unlimited license issued by the United States Coast Guard. I am a graduate of the U.S Merchant Marine Academy, and following my graduation, I sailed as a professional mariner for 12 years. In 1999, I applied to become a deputy pilot in Corpus Christi. In 2005, I was selected to become a deputy pilot. Prior to starting, I was asked to sign pre-articles of agreement with ACCP. Every current pilot member of ACCP has signed a pre-articles of agreement, such as the one Andrea Morrison signed in July 2017.

Mission of ACCP

The Mission of ACCP is to provide all commercial marine vessels with professional, safe, and efficient pilotage as requested or required by federal or state law. As pilots our goal is to provide a public service of the highest quality and training in order to protect the interest of the local port authority, local communities, and the State of Texas. This service includes ensuring the safe transit of all vessels being piloted while safeguarding the environment and the Port of Corpus Christi through overseeing the compliance with all rules and laws governing marine vessels.

Current Pilot Members

All of the current individual branch pilots commissioned for the Port of Corpus Christi are members of the Aransas-Corpus Christi Pilots. They are: Myself, John Williams; Forrest Albrecht; Kenneth Todd Olsen; Bobby Grumbles; Jim Dooley; Earl Tripp Webb; Doug Stinchcomb; Matt Lynch; Carlos Royo; John Richard Casas; Lucius Edwards; Kevin Monaco; Ryan Miller; Steve Conway; Ben Watson; Ryan Reed; and Cory Fontenot.

Had Andrea Morrison obtained a Texas Branch Pilot commission from the Board of Pilot Commissioners for the Port of Corpus Christi Authority, she could have applied to become a member of ACCP and she would have been accepted.

As the current presiding officer, I have access to an email account po@accpilots.com which has been used by all presiding officers who were in this position since Andrea Morrison started in July 2017. I have reviewed the email account and there were no complaints made by Andrea Morrison regarding any improper conduct against any pilot as she states in her lawsuit.

Structure of ACCP

ACCP has no employees and pays no FICA taxes or employment related taxes to anyone. ACCP does not own boats, it charters them for use by the individual pilots to transport them back and forth to the ships calling on the Port of Corpus Christi.

ACCP consists only of the commissioned branch pilots for the Port of Corpus Christi Authority who meet to discuss issues regarding the safe movement of marine vessels in our port and waterway system and to agree upon a common set of working rules for our port.

Each pilot has his or her own independent authority to act as a pilot while conning a vessel and no pilot may supervise or instruct another pilot on how to conn a vessel. This applies to deputy pilots as well. No individual pilot has the authority to supervise another duly licensed branch pilot. Full Branch Pilots and Deputy pilots answer only to the Board of Pilot Commissioners.

ACCP collects into a common fund all revenue generated by the pilot services of its individual members. ACCP pays common expenses incurred by the individual pilots carrying out their duties. These expenses consist primarily of chartering vessels and paying for dispatch services. ACCP charters vessels (pilot boats) used to transport the pilots to and from the vessels calling on the Port and pays for this charter hire directly from revenues collected by the individual pilots.

ACCP also contracts with a dispatch service who employs a number of dispatchers and office staff to ensure pilots are timely and efficiently dispatched to the vessels calling on the Port of Corpus Christi. If a pilot member has stood watch and been available to pilot ships for fourteen (14) days in the prior thirty days, that pilot is entitled to a full share of the distribution of pilot revenue left after expenses are paid.

The Deputy Training Program

The deputy training program consists of more than just an applicant being accepted. In order to ensure there is a sufficient number of pilots to efficiently move the ships calling on the Port of Corpus Christi, new pilots must be trained to replace retiring pilots. I took part in this training program just as every other current pilot did.

Applicants desiring to become a pilot can find all of the necessary information located on a webpage operated by the Board of Pilot Commissioners for the Port of Corpus Christi, located at : <https://corpuschristipilotboard.com/>.

The Board's website prominently displays a link to Chapter 70 of the Texas Transportation Code. The Board's website also contains all the forms a deputy must complete in order to pass a rigorous background check.

Once an applicant has satisfied the initial qualifications, they are then placed into an approved pool of applicants from which a pilot may select them as a sponsoring pilot. Andrea Morrison was selected from the pool of applicants and the late Captain Louis Adams was to be her training master.

Following her selection, Andrea Morrison signed the attached Pre-Articles of Agreement in July of 2017. All deputies are required to sign the Pre-Articles of Agreement, and all of the current members of ACCP signed one as well. From July 2017 until December 2017, Andrea Morrison acted as a riding observer where she accompanied pilots on ships calling on the Port of Corpus Christi.

This part of the training period is to allow a deputy to become familiar with the full stretch of the waterway system, and to become familiar with how the pilots utilize tugs in the harbor without the stress of actively being at the conn of the ship.

Riding observers ride with each of the current pilots and are encouraged to ask questions. Once the riding observer period is over, deputies transition to an unsupervised role where they act as a pilot.

Deputies start out in this unsupervised role on the smallest ships which call on our ports and work their way up in tonnage to the largest ships. During this unsupervised period, deputies may also act as a second pilot on ships that require more than one pilot, including the largest ships that call on the Port of Corpus Christi.

While a deputy is at the conn of a ship, there is no difference in authority to the ship's master between the deputy and a full branch pilot. The deputy training program is designed to slowly create confidence in the deputy as they progress up larger and larger ships.

Coupled with the on-the-job training, all deputies are sent to training programs and manned model school training to add to their training and education as pilots. This training is expensive and is paid for by ACCP. Every pilot undergoes the same deputy training program.

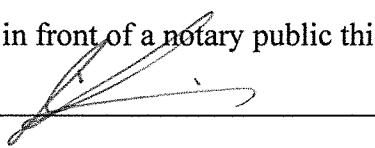
As a condition of being accepted as a deputy, all deputies sign over to ACCP the full pilot revenues they generate while working. In return, deputies are allowed to utilize the pilot boats and dispatch services. All deputies receive a reduced distribution as compared to the full branch pilots.

Suspension of Training

Following receipt of a letter from the United States Coast Guard Captain of the Port, Captain Gaynor, the ACCP members met on September 9th to discuss whether Andrea Morrison could be rehabilitated or whether she posed a risk to safe navigation of vessels in the Port of Corpus Christi. The members of ACCP voted and determined that it would not be safe to dispatch her to another vessel given the concerns raised in Captain Gaynor's letter, and the combined concerns among the current member pilots regarding her failure to learn from prior mistakes.

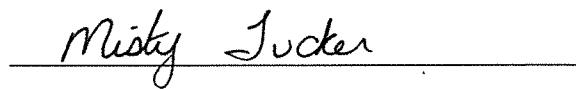
After September 9th, Andrea Morrison was not dispatched to another vessel by ACCP.

Sworn to in front of a notary public this December 1, 2021

Signed: 

Captain John Williams, presiding officer Aransas-Corpus Christi Pilots

On this 1st day of December, 2021, before me appeared John Williams, who is known to me and he did sign and swear to the truth of the foregoing document.


NOTARY PUBLIC, STATE OF TEXAS

